

DEC 14 2021

D. MARK JONES, CLERK  
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United States District Court  
District of UTAH Central Division

Anthony Charles Murphy  
Plaintiff

Notice and Request

Case: 2:19-cv-00852-JNP

v.

Sgt. D Roberts et al  
Defendants.

Judge Jill N. Parrish

Michael W. Homer (#1535)  
Jesse C. Troutadue (#4961)

Anthony Charles Murphy  
# 224574

Sutter Axland, PLLC  
8 east Broadway, Suite 200  
Salt Lake City, UT 84111

Utah State Prison  
P.O. Box 250  
Draper UT 84020

Atty's for Defendants

Pro Se

Comes the plaintiff Anthony C. Murphy advising the court that the plaintiff will not be filing a response to the defendants Response to Plaintiffs Motion for Default Judgement. The plaintiff would stress to the court and to the defendants that he does not and will not file frivolous motions. It was the plaintiff's belief that the defendants had till Nov. 12, 2021 to file and serve the plaintiff. This deadline allowed the defendants an extra 3 days for service by mail. The plaintiff's beliefs may have been wrong he can't say because he does not posses the actual rule that governs when a defendant must ensure that service on the plaintiff has been done. My apology to the Court and counsel if I was wrong.

This mistake has created a unique opportunity for the plaintiff to ask the court to ensure any papers sent to the plaintiff was in fact received by him. The prison policy on mail delivery is to send it back to the sender if the prisoner is not here. My upcoming treatments for my cancer will require hospitalization. This will begin within the next 30 days. The stays may be many and or long periods. The plaintiff asks this court in the event the plaintiff fails to respond to any paper filed or court order. Please ensure that I received the papers and that I'm physically able

to do so. Most if not all the papers that this court has sent me have been stamped legal mail. This requires mail staff to personally deliver it to the inmate which he signs for creating a record of receipt and when. Maybe the defendants could stamp their mailings with (legal mail) it also helps to get the mail days sooner.

Respectfully

Anthony Charles Murphy

Anthony Charles Murphy

12-9-2021

I certify that a true copy of this Notice and Request was sent ~~to~~ first class mail postage prepaid to the following on 12-09-2021.

Sesse C. Trentadue  
Sutter AXland PLLC  
8 east Broadway, Suite 200  
Salt Lake City, UT  
84111

*Aug. 2021*  
12-9-2021